

**Remarks**

Claims 21 – 34 are pending in the application.

Claims 21 – 34 are rejected under 35 U.S.C. §102(b) as being anticipated by Alexander et al., U.S. Pat. No. 6,177,931 (hereinafter “Alexander”).

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR §1.116 because the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same

as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **Rejection Under 35 U.S.C. 102**

Claims 21 – 34 are rejected under 35 U.S.C. §102(b) as being anticipated by Alexander. The rejection is respectfully traversed.

Applicants thank the Examiner for the provided clarifications with respect use by the Examiner of the term "admitted prior art" in the previous Office Action.

#### **Claims 21 – 23 and 30**

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, as arranged in the claim. Alexander fails to disclose each and every element of the claimed invention, as arranged in independent claim 21. More specifically, Alexander fails to teach or suggest at least the element of "providing, in response to the detection of a channel change event, a content recommendation" (emphasis added).

The Examiner suggests that this element is taught by Alexander, because "Col. 28, lines 30 – 52 explicitly states the detection of channel change event through the monitoring of the user's viewing habits, and col. 31, lines 25 – 33 clearly states that based on the collected monitored data, a content recommendation is formulated, 'the Watch List'" (see Final Office Action, page 2). Applicants respectfully submit that such an interpretation of Alexander is improper.

Though Applicants disagree with the Examiner that Alexander's Watch List could be equated to Applicants' content recommendations, Applicants assume, for the purposes

of the present argument, that such an interpretation is correct. Whether Alexander teaches or does not teach providing content recommendations, Alexander still lacks teaching of providing such content recommendations in response to the detection of a channel change. Applicants agree with the Examiner that Alexander discloses detecting a channel change. However, nowhere do the cited portions disclose that detecting the channel change relates to the process of providing the Watch List to the viewer. Rather, Alexander merely discloses that detected channel change events with other actions of the viewer are recorded and may be used to create a user's profile. The Watch List, on the other hand, is accessed by the viewer independently. Alexander expressly describes that to access the Watch List, the viewer has to use corresponding action buttons on a remote control or EPG display (e.g., "watch" button) (see col. 8, lines 5 – 17).

Accordingly, not only Alexander is void of teaching of providing the Watch List in response to a channel change event, but also such a feature is not inherent from Alexander, because Alexander describes other means of accessing the Watch List, e.g., pushing the corresponding button on the remote control. Therefore, Alexander does not teach or suggest at least "providing, in response to the detection of a channel change event, a content recommendation," as recited in independent claim 21.

Additionally, Alexander does not teach or suggest at least: "allowing a user to selectively view the recommended content or content associated with the newly selected channel," as recited in independent claim 21 (emphasis added). The Examiner suggests that this feature is disclosed in col. 18, lines 1 – 12. Applicants respectfully disagree.

According to claim 1, when a viewer attempts to change channels, before the channel selected by the viewer is provided to the viewer, the viewer is provided with a content recommendation. The viewer may select to view the content recommendation or select to view the originally selected channel. For example, as shown in Applicants' Figure 2A and described in the respective portions of the specification (i.e., page 6, line 21 – page 7, line 5), in one embodiment, a viewer watching channel 4 may decide to change it and view another channel. In response to viewer's selecting of another channel, for example by pushing a respective button on the remote control, a recommendation screen is displayed to the viewer. The recommendation screen contains one or more recommendations (e.g., movie "Taxi"). If the viewer accepts the recommendation (e.g.,

selects “yes”), then respective content (e.g., movie “Taxi”) is displayed to the viewer instead of content of the channel selected by the viewer. However, if the viewer declines the recommendation (e.g., selects “no”) then the content of the selected channel is displayed to the viewer.

The cited portion of the Alexander, in contrast, merely discloses that a viewer may access to detailed program-related information by highlighting a particular program. While highlighting a program may be equated to selecting the program, because there is no reference to the Watch List (interpreted by the Examiner as a recommended content), Alexander simply cannot teach offering a viewer a choice between viewing the recommended content or the content of the channel that the viewer selected via the channel change event. Accordingly, Alexander does not teach or suggest each and every element of claim 1 arranged as in the claim.

Independent claim 30 recites limitations similar to the above discussed limitations of claim 1. As such, at least for the reasons discussed above, claim 30 is also not anticipated by Alexander, and thus, is allowable under 35 U.S.C. §102. Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each claim dependent claim from claim 1 is also allowable over Alexander.

#### **Claims 24 – 29 and 31 – 34**

Alexander also fails to disclose each and every element of the claimed invention, as arranged in independent claim 24. Specifically, Alexander fails to teach or suggest at least:

“monitoring content viewed by a plurality of users, wherein the plurality of users is selected by the user;

based on the content viewed by the plurality of users, generating the user perceptible indicator of at least a portion of the viewed content, wherein the generating occurs at a change in system state,”

as recited in Applicants’ independent claim 24. Rather Alexander merely describes that actions of a particular viewer are monitored and used for creating an individualized profile and to distinguish between viewers. This is entirely different from monitoring content viewed a group of viewers selected by the user and from providing to the viewer an indicator of at least a portion of such content.

For example, as described in the specification, in one embodiment, a viewer may want to create a group of viewers. Such a group may include a plurality of viewers whose content or programming the viewer is interested in being notified of by user perceptible content indicators. Content viewed by one or more members of the group is monitored and if, for example, some members of the group watch the same program, a corresponding indicator is generated for the viewer. The indicator allows the viewer to switch to the program currently viewed by other members of the group. In other words, a viewer is provided with an opportunity to create a group of friends, to be notified of and subsequently view content viewed by his or her friends (“water cooler” effect).

Accordingly, Alexander does not teach or suggest all the elements of claim 24 arranged as in claim 24. Therefore, claim 24 is not anticipated by Alexander and is allowable under 35 U.S.C. §102. Independent claim 31 recites limitations similar to those recited in independent claim 24 and discussed above. As such, at least for the reasons discussed above, independent claim 31 also is not anticipated by Alexander and is allowable under 35 U.S.C. §102.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Alexander.

Accordingly, claims 21 – 34 are allowable under 35 U.S.C. §102(b). Therefore, the Examiner is respectfully requested to withdraw the rejection.

**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808